K Great Brit Geo III
107.
214.c.1
107

OBJECTIONS

OF THE

Petitioners againſt the Paſſing of the *Bromley* Turnpike BILL, as it now ſtands.

bill read 10 March 1767.

THE Road, which the Petitioners apprehend was the Intention of all Parties who ſigned the Original Petition for Leave to bring in the preſent Bill, or at leaſt the major Part of them, was to be carried from Mr. *Price*'s Houſe, the Weſt End of the Town of *Weſterham*, on the Front of the Houſe of *John Warde*, Eſquire, called *Squerries*, ſtrait along the ancient and only Road there leading over *Cockham Hill* to *Eden Bridge*. Into this Road leads a Lane from the Chart or Waſte of *Weſterham*, by a Tanner's (a Tenant of Mr. *Warde*) which is called the *Tan-Yard Road*, through which many People paſs to and from the Town of *Weſterham*, and is a principal Avenue thereto from the South Eaſt Part of the Pariſh. In this Bill, Page the 6th, there is a Clauſe, reciting, " That the Page 6.
" Tolls thereby granted may be evaded, if a certain Road leading from *Cock-*
" *ham Street Tan-Yard*, &c. (meaning the laſt above-mentioned Road) is not
" ſtopped up and diſuſed by all Travellers and other Perſons; and enacting,
" that the Truſtees are thereby required to cauſe the ſaid Road to be ſtopped
" up, *&c.* and that they may ſell the ſame, *&c.*"

It is to be obſerved, that Mr. *Warde* is a rich and powerful Man, and a Magiſtrate; that his Park or Paddock adjoins to this very Road; that he is the principal acting Perſon in the forwarding this Act of Parliament; and that his introducing this Clauſe, is clearly with an Intent to get this Road to himſelf, and take it into his Paddock, to the great Detriment of his Neighbours and all Travellers paſſing that Way, who, ſhould this Clauſe be ſuffered to remain, will be obliged to go round about upwards of Half a Mile. The Pretence alledged by the Bill is, That if it is not ſtopped up, the Tolls will be evaded. To which we ſay, That as the Truſtees are inveſted with a Power of ſetting up what Number of Side Gates they pleaſe, they have nothing more to do than place one here, and then that Difficulty will be obviated.

Alſo, That it is a Right only inherent in the King, being called the KING's HIGHWAY, and not to be incloſed but by a Writ of *Ad quod damnum*, by which the pooreſt Man cannot be aggrieved.

The next Clauſe complained of, is that which follows the former, reciting, Page 6.
" That *John Warde*, Eſquire, ſeveral Years ſince erected at his own Ex-
" pence, and for his Convenience, a Gate at, *&c.* and alſo another Gate at,
" *&c.*

" *&c.* and enacting, that nothing in the Act contained ſhall extend to im-
" power the ſaid Truſtees to take down or remove the ſaid Gates; provided
" the ſaid *John Warde*, his Heirs or Aſſigns, ſhall at all Times leave the ſaid
" Gates in ſuch Manner as to be free for Paſſengers." To this the Petitioners ſay, That theſe Gates have been erected arbitrarily by Mr. *Warde:* That there are Three now ſtanding, though only Two are taken Notice of in this Clauſe, which are an intolerable Nuiſance and Inconvenience to all Travellers; but more eſpecially to the Farmers, their Wives and Daughters, frequenting the Markets, who are often obliged to diſmount from their Horſes, on account of the Unwieldineſs of thoſe Gates, to open the ſame: That in all Probability ſome Day or other the Legality of them may be called in Queſtion, though hitherto the Station of Mr. *Warde*, and his Power and Connections have prevented it; and therefore it is apprehended, ſhould this Clauſe be ſuffered to ſtand, that it will hereafter be made uſe of as an Argument before a Jury, that as the Parliament, who were appriſed of theſe Gates, thought proper to diveſt the Truſtees of all Power of removing them, that they (a Jury) ſhould not conſider them in any other Light than the Parliament had before done, *viz.* no Nuiſance or Inconvenience at all; by which means ſuch an undue Sanction will be given to this Proceeding of Mr. *Warde*, that we hope the Wiſdom of this Houſe will not confer on any Individual at the Expence of the Publick in general.

Beſides, as it is the general Deſire of the Petitioners, that the Turnpike ſhould be carried on from the Weſtern Part of *Weſterham*, by *Squerries*, over *Cockham Hill*, as before-mentioned; and Mr. *Warde* having given out that he intended ſuch Turnpike ſhould go from the Eaſtern Part of *Weſterham* to a Place called *Froghole*, lying conſiderably Eaſt of *Cockham Hill* Road, at leaſt Half a Mile about, over Rocks and Precipices, and through ſeveral Farms where no Roads now are, this Clauſe will be further uſed as an Argument to the Truſtees, and every-body elſe, that it could not be ſuppoſed the Road was to go in its old Courſe, by reaſon of the Truſtees being reſtrained from removing theſe Gates; and therefore Mr. *Warde*'s Scheme would naturally be ſuppoſed the original one, and of courſe purſued, and he would ſoon have it in his Power to ſtop up this Road likewiſe; which if he does (whether the *Tan-Yard Road* be left open, or ſhut up in Manner aforeſaid) there is no Road whatever left to the Weſt End of the Town of *Weſterham*.

Note. This Road was ſet out in the Year 1732. by Mr. *Warde*'s Father, in lieu of one which he incloſed under a Writ of *Ad quod damnum*, which run about 240 Feet nearer to his Houſe. There was no Obſtruction or Hindrance made by the old Gentleman upon it; but the Whole was free and open, as it ought to be; and therefore ſurely it will be a hard Caſe upon the Publick, if, upon theſe Circumſtances, the preſent Mr. *Warde* is permitted by the above-mentioned Method to obtain the Sanction of Parliament for this Illegality.

Page 13. The laſt Clauſe complained of is in Page 13. which gives the Truſtees a diſ-
" cretionary Power of turning, diverting, changing or altering the Road, or
" the Courſe thereof:" And this Objection is grounded upon the Reaſons mentioned againſt the former Clauſe, that the Petitioners apprehend Mr. *Warde* will uſe his Power to divert the Road out of its preſent Courſe, and carry it from *Froghole* aforeſaid to the Eaſt End of *Weſterham*; which we ſay will not only be very diſadvantageous to the Publick in general, with reſpect to its being much

much about, but highly prejudicial to ſeveral Individuals, by cutting through their Farms, and thereby conſiderably leſſening their Value, as alſo much more expenſive to the Truſt. The Petitioners therefore, fearing that ſome undue Influence may be uſed with the Truſtees (more eſpecially as the Roads compriſed in this Act are of great Extent, and probably but few of ſuch Truſtees may think themſelves concerned which Way the Turnpike is carried from *Weſterham*, it being ſo ſmall a Part of the Whole) are very deſirous they ſhould be reſtrained from this general Power, and obliged to carry the Road from *Weſterham* to *Cockham Hill* in the old Courſe it now goes, and that an additional Clauſe to that Effect may be inſerted in the Bill; and they hope they are juſtified in this Particular, becauſe it was given out by a Servant of Mr. *Warde*, prior to the General Meeting of the Country, to conſider of an Application to Parliament for the Bill, that Mr. *Warde*'s Scheme was to conduct the new Road in Manner above-mentioned; and the ſeveral Perſons through whoſe Grounds the ſuppoſed Road was to paſs attended at that Meeting, which was held the 14th *January* laſt, in order to have offer'd their Objections to it; but as not the leaſt Mention was made of that Scheme, it was naturally concluded, till this Bill made it's Appearance, that the old Road was to be purſued; and we hope that it will be the Senſe of the Committee that it ſhould be ſo, and that any other Plan of diverting the Road from its old Courſe ought not now to be permitted.

The Reaſon for the above Suppoſition is, that ſince the ſaid Meeting, one *Collis*, a Servant of Mr. *Warde*, has by his Maſter's Orders actually meaſured the Road from *Froghole* to the Eaſt End of *Weſterham*.

There are ſeveral Perſons attending this Committee, who can prove the Advantages of the Road, ſhould it be carried on in the Way herein propoſed; the Inconvenience and Nuiſance of Mr. *Warde*'s Gates, as they now ſtand; together with the additional Trouble, Expence, and Inconvenience of a new Road, ſhould it be cut out in the Manner planned by Mr. *Warde*.

OBJECTIONS

OF THE

Petitioners againſt the Paſſing of the *Bromley* Turnpike BILL, as it now ſtands.

Committed for 31. March 1767.